



INTERIOR BOARD OF INDIAN APPEALS

Estate of Mary Brown Ears Barnes

37 IBIA 72 (12/31/2001)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF MARY BROWN EARS
BARNES

: Order Affirming Decision
:
:
: Docket No. IBIA 01-123
:
:
: December 31, 2001

This is an appeal from an April 4, 2001, Order Denying Petition for Rehearing issued by Administrative Law Judge Marcel S. Greenia in the Estate of Mary Brown Ears Barnes, IP SL 134 G 96.

Appellant Cecilia Steele filed a notice of appeal which stated in its entirety:

PLEASE TAKE NOTICE that Cecilia Steele hereby appeals to the Board of Indian Appeals the final order of the Honorable Marcel Greenia, Administrative Law Judge, entered in this administrative proceeding on April 4, 2001.

The statement of errors of fact and law will be included in appellant's brief as provided in 43 C.F.R. § 4.320.

The appeal was docketed on October 15, 2001, following receipt of the probate record. Appellant's opening brief was due on or before November 20, 2001. No brief was filed.

An appellant who fails to make any allegation as to how the Administrative Law Judge's decision is in error, let alone any argument in support of such an allegation, has not carried her burden of proof. Estate of Jacob S. Tsotigh, Sr., 35 IBIA 87 (2000), and cases cited therein.

Appellant has failed to carry her burden of proving error in Judge Greenia's decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Judge Greenia's June 4, 2001, Order Denying Petition for Rehearing is affirmed.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge